

Memorandum



Date: September 11, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

GOE
Agenda Item No. 2KK

From: George M. Burgess
County Manager

Subject: Ordinance Revising Zoning and other Land Development Regulations Pertaining
to the Perrine Community Urban Center District Regulations

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance updating the Perrine Community Urban Center District Regulations.

Scope

This ordinance impacts the area of the Perrine Community Urban Center located in Commission District 9.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.


Track Record/Monitor

Not applicable.

Background

On September 12, 2006, Ordinance 06-127 was adopted establishing article XXXIII(N) of the Code of Miami-Dade County – Perrine Community Urban Center Regulations (PECUCD). These regulations implement the land use recommendations included in the Perrine Charrette Report that was accepted by the Board of County Commissioners (BCC) in 2004. The purpose of this ordinance is to update the non-conforming clause of the PECUCD to address concerns raised by some property owners at the Governmental Operations and Environment Committee meeting of June 12, 2007 where another set of amendments to the PECUCD were being considered. Specifically, these property owners were requesting a two-year exemption from the new regulations for those properties located along US-1 and in business or industrial use.

The updated non-conforming clause in the proposed ordinance will allow property owners in the areas designated as Mixed-Use Corridor (MC) and Industrial (ID) in the land use regulating plan of the PECUCD, and for the first two years only, to have the option of submitting development plans under the zoning regulations applicable to the property on the date prior to the district boundary change of the property to the adopted PECUCD. Adoption of these amendments would allow the district boundary change to proceed.


Assistant County Manager

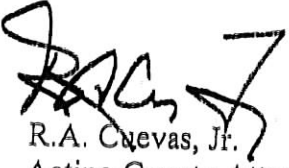


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 24, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Agenda Item No. 4 (E)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4 (E)
07-24-07

ORDINANCE NO. _____

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE PERRINE COMMUNITY URBAN CENTER DISTRICT ("PERRINE REGULATIONS"), AMENDING SECTION 33-284.99.13, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 33-284.99.13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-284.99.13. Non-conforming Structures, Uses, and Occupancies

>>A.<<Nothing contained in this article shall be deemed or construed to prohibit a continuation of a legal nonconforming structure, use, or occupancy in the PECUC that either (1) was existing as of the date of the district boundary change on the property to PECUC or (2) on or before said date, had received final site plan approval through a public hearing pursuant to this chapter or through administrative site plan review or had a valid building permit. However, any structure, use, or occupancy in the PECUC that is discontinued for a period of at least six months, or is superseded by a lawful structure, use, or occupancy permitted under this chapter, or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall be subject to Section 33-35(c) of this code.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- >>B. Notwithstanding any other provision in this code<< ~~[[However]]~~, a lawfully existing single-family home use that is discontinued for a period of at least six months or that incurs damage to the roof or structure to an extent of 50 percent or more of its market value, shall not be subject to Section 33-35(c) of this code.
- >>C. Notwithstanding any other provision in this code, on a property designated MC or ID on the land use regulating plan set forth in section 33-284.99.9 of this article, a zoning application or application for administrative site plan approval may be approved under either: (i) the PECUC regulations set forth in this article; or (ii) for two years after the effective date of the district boundary change to PECUC, the zoning regulations in effect immediately prior to the district boundary change to PECUC. Any use, structure, or occupancy approved in accordance with option (ii) shall, upon issuance of the final certificate of use, be deemed a legal nonconforming use, structure, or occupancy and shall thereafter be subject to the provisions of subsection A above.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAC
DK

Prepared by:

Dennis A. Kerbel

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